

Assembly Constitutional Amendment

No. 1

Introduced by Assembly Member Longville

December 2, 2002

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 8 of, and amending Section 12 of, Article IV thereof, and by adding Section 8 to Article XX thereof, relating to the state budget.

LEGISLATIVE COUNSEL'S DIGEST

ACA 1, as introduced, Longville. Budget Bill: passage.

Under the California Constitution, a statute will take immediate effect upon enactment if the statute calls an election, provides for a tax levy, makes an appropriation for the usual current expenses of the state, or is an urgency statute.

This measure would additionally provide that a statute enacting a Budget Bill is effective immediately upon enactment.

Under the California Constitution, appropriations from the General Fund of the State, except appropriations for the public schools, are void unless passed in each house with $\frac{2}{3}$ of the membership concurring.

This measure would exclude appropriations made in the Budget Bill from the $\frac{2}{3}$ -vote requirement. This bill would also provide that, notwithstanding current constitutional requirements of a $\frac{2}{3}$ -vote for urgency statutes and statutes increasing state tax revenues, a bill making changes in law to implement an enacted Budget Bill may be passed by a majority vote in each house, and shall take effect immediately if the bill so provides.

Under the California Constitution, the Legislature is required to pass a Budget Bill by midnight on June 15 for the ensuing fiscal year.

This measure would amend the California Constitution to require that, if a Budget Bill is not passed by midnight on June 30, Members of the Legislature forfeit any salary or reimbursement for travel and living expenses for the period from July 1 to the date a Budget Bill is passed.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2003–04 Regular
3 Session commencing on the second day of December 2002,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 First—That subdivision (c) of Section 8 of Article IV is
8 amended to read:

9 (c) (1) Except as provided in paragraphs (2) and (3) of this
10 subdivision, a statute enacted at a regular session shall go into
11 effect on January 1 next following a 90-day period from the date
12 of enactment of the statute and a statute enacted at a special session
13 shall go into effect on the 91st day after adjournment of the special
14 session at which the bill was passed.

15 (2) A statute, other than a statute establishing or changing
16 boundaries of any legislative, congressional, or other election
17 district, enacted by a bill passed by the Legislature on or before the
18 date the Legislature adjourns for a joint recess to reconvene in the
19 second calendar year of the biennium of the legislative session, and
20 in the possession of the Governor after that date, shall go into effect
21 on January 1 next following the enactment date of the statute
22 unless, before January 1, a copy of a referendum petition affecting
23 the statute is submitted to the Attorney General pursuant to
24 subdivision (d) of Section 10 of Article II, in which event the
25 statute shall go into effect on the 91st day after the enactment date
26 unless the petition has been presented to the Secretary of State
27 pursuant to subdivision (b) of Section 9 of Article II.

28 (3) Statutes calling elections, statutes providing for tax levies
29 or appropriations for the usual current expenses of the State,
30 *statutes enacting a budget bill*, and urgency statutes shall go into
31 effect immediately upon their enactment.



1 Second—That Section 12 of Article IV is amended to read:

2 SEC. 12. (a) Within the first 10 days of each calendar year,
3 the Governor shall submit to the Legislature, with an explanatory
4 message, a budget for the ensuing fiscal year containing itemized
5 statements for recommended state expenditures and estimated
6 state revenues. If recommended expenditures exceed estimated
7 revenues, the Governor shall recommend the sources from which
8 the additional revenues should be provided.

9 (b) The Governor and the Governor-elect may require a state
10 agency, officer, or employee to furnish whatever information is
11 deemed necessary to prepare the budget.

12 (c) The budget shall be accompanied by a budget bill itemizing
13 recommended expenditures. The bill shall be introduced
14 immediately in each house by the persons chairing the committees
15 that consider ~~appropriations~~ *the budget bill*. The Legislature shall
16 pass the budget bill by midnight on June 15 of each year. Until the
17 budget bill has been enacted, the Legislature ~~shall~~ *may* not send to
18 the Governor for consideration any bill appropriating funds for
19 expenditure during the fiscal year for which the budget bill is to be
20 enacted, *including any bill appropriating funds for salaries, travel*
21 *expenses, or living expenses of Members of the Legislature*, except
22 emergency bills recommended by the Governor or appropriations
23 for ~~the salaries and other~~ expenses of the Legislature.

24 (d) No bill except the budget bill may contain more than one
25 item of appropriation, and that for one certain, expressed purpose.
26 Appropriations from the General Fund of the State, except
27 appropriations for the public schools *and appropriations made in*
28 *the budget bill*, are void unless passed in each house by rollcall vote
29 entered in the journal, ~~two-thirds~~ *two-thirds* of the membership
30 concurring.

31 (e) The Legislature may control the submission, approval, and
32 enforcement of budgets and the filing of claims for all state
33 agencies.

34 (f) *Notwithstanding Sections 4 and 8 of Article III and Section*
35 *4 of this article, in any year in which the budget bill is not passed*
36 *by midnight on June 30, each Member of the Legislature shall*
37 *forfeit his or her salary and any reimbursement for travel or living*
38 *expenses for the period from July 1 until the date the budget bill*
39 *is passed. Forfeited salary or travel or living expenses may not be*
40 *paid retroactively. The total amount of salary and expense*

1 *reimbursements forfeited under this subdivision during any fiscal*
2 *year shall be counted as part of the total aggregate expenditures*
3 *of the Legislature for that fiscal year for purposes of Section 7.5.*
4 *For purposes of subdivision (c) and this subdivision, a budget bill*
5 *is a bill that makes appropriations for the support of the*
6 *government of the State for the entire fiscal year.*

7 *(g) Notwithstanding subdivision (d) of Section 8 of Article IV*
8 *and Section 3 of Article XIII A, any bill that makes changes in law*
9 *to implement a budget bill that has been enacted may be passed by*
10 *rollcall vote entered in the journal, a majority of the membership*
11 *of each house concurring, and shall take effect immediately if the*
12 *bill so provides.*

13 Third—That Section 8 of Article XX is added to read:

14 SEC. 8. If any provision of the measure that enacted this
15 section, or the application of any provision of that measure, is held
16 invalid, that invalidity shall not affect other provisions of that
17 measure or applications of that measure that can be given effect
18 without the invalid provision or application.

